Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1221 OF 2017

IN

FIRST APPEAL NO. 2285 OF 2007

Maniram Ramprasad Tiwari …Appellant

Versus

Ramdulari wd/o Sitla Prasad Tiwari & Ors …Respondents

WITH

CIVIL APPLICATION NO. 1806 OF 2007

WITH

CIVIL APPLICATION NO. 2410 OF 2010

WITH

CIVIL APPLICATION NO. 2720 OF 2009

WITH

CIVIL APPLICATION NO. 4087 OF 2011

WITH

CIVIL APPLICATION (ST) NO. 19369 OF 2016

WITH

CIVIL APPLICATION (ST) NO. 19370 OF 2016

WITH

CIVIL APPLICATION (ST) NO. 31907 OF 2016

WITH

CIVIL APPLICATION (ST) NO. 31917 OF 2016

None *for the Appellant.*
Mr Pradeep Thorat, *a/w Ms Aditi Naikare, i/b Pratibha Shelke, for the Applicant in CAF/1221/17 & Original Respondent in FA/2285/07.*
Mr Jadgish G Reddy, *for the Applicant/Intervenor in CAF/1806/17.*
Dr MS Deshpande, *Court Receiver, a/w Mrs Kavita Ambekar, Ist Assistant to the Court Receiver, present.*

CORAM: G.S. PATEL, J
DATED: 12th July 2017

PC:-

1. Although the Court Receiver has been appointed of this property in question which is of the whole chawl at CTS Nos. 170 and 171, Majas Road, Jogeshwari (East), individual occupants have sought to get a crystallisation of their rights. They attempted to form a trust. That attempt failed. They then attempted to have the property declared as slum and made application to the Deputy Collector under the Slum Rehabilitation Scheme. They then filed Writ Petition No. 36 of 2017 before the Division Bench of this Court and without serving the owner of the property, the present Applicant, Maniram Ramprasad Tiwari, obtained an order directing the authority to consider the representation. In this Writ Petition, the pendency of the First Appeal was not mentioned at all. The authority has only recently said that it now proposes to declare the chawl as a slum and this has been communicated by the Deputy Collector to the Court Receiver only yesterday. The Deputy Collector will do nothing of this kind. This property is *custodia legis.* There is no question of any authority acting in this manner. I notice

that the Deputy Collector says that the property is being declared as slum "in accordance with the direction of the High Court". There is no such direction. The Deputy Collector being the Competent Authority under the Slum Rehabilitation Act, the Deputy Collector is to be impleaded as party Respondent to this Petition.

2. The Court Receiver is present. He will communicate telephonically and by email to the Deputy Collector that he will not act further in this matter without an order of this Court. This will also be communicated by a separate written communication accompanied with an authenticated copy of this order to be sent by hand delivery.

3. Mr Thorat will amend the cause title by adding the Deputy Collector as Respondent No. 10 to the Civil Application. The amendment to be carried out without need of reverification by 17th July 2017. A copy of the amendment will be served on the Advocates for the occupants/supplicants before the Slum Rehabilitation Authority.

4. List the entire group for orders on 20th July 2017 on the supplementary board.

5. The Deputy Collector is expected to remain present in Court on the next occasion.

(G. S. PATEL, J.)